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April 1, 2016

**VIA FOIAonline**

Regional Freedom of Information Officer  
U.S. EPA, Region 3  
1650 Arch Street (3CG00)  
Philadelphia, PA 19103

**Re: Freedom of Information Act Request – Records Relating to EPA’s Review of the Site-Specific Copper Criteria for the Sanitary Board of the City of Charleston, West Virginia**

Dear Sir or Madam:

I write to request that the United States Environmental Protection Agency (“EPA”) provide copies of the records described below pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and EPA regulations, 40 C.F.R. § 2.100 *et seq.*

**Subject of Request.** The subject of this request is records held by EPA relating to its ongoing review of the water effect ratio developed by the Charleston Sanitary Board and the resulting site-specific water quality criteria for copper (collectively, “CSB Copper Standard”) that was adopted by West Virginia as a revision to W. Va. Code R. § 47-2-7.2.d.19.2.

To be clear, this request refers to the entire review process for the CSB Copper Standard, including, but not limited to, (1) EPA’s preliminary review of the draft standard that commenced in or around June 2014; (2) the Agency’s formal review under Clean Water Act § 303(c) that commenced on or about June 25, 2015; (3) consultation with the U.S. Fish and Wildlife Service (“USFWS”) that began on or about May 15, 2015 and continues to present; and (4) any ongoing technical review of the standard, including any effort to calculate or develop a biotic ligand model (BLM) for the same.

**Records Requested.** More specifically, I request copies the following public records related to the CSB Copper Standard described above:

- Any communications (emails, letters, memoranda, etc.) exchanged between EPA and any state or federal agency (including WVDEP and USFWS) relating to EPA’s review of the CSB Copper Standard and/or the Agency’s consultation with USFWS regarding the same.
- Any internal draft or final communications, memoranda, or meeting notes relating to EPA’s review of the CSB Copper Standard.

- Any other public records in the Agency's file for the West Virginia water quality standards revisions submitted on June 25, 2015 that relate specifically to the CSB Copper Standard.

**Limiting Search for Emails.** If it is useful to limit your search for electronic communications, it is acceptable to limit your *initial* search to the emails of the following EPA employees: (1) Ms. Evelyn MacKnight, and (2) Ms. Denise Hakowski. Please expand this initial search to other employees' email if it becomes apparent they may have responsive electronic communications.

**Relevant Time Period.** This request applies to records created or communicated on or after March 14, 2014.

**Costs.** If there are any costs for fulfilling this request, you are authorized to incur up to \$250 in costs. In the event that the cost of meeting this request is greater than \$250, please incur up to \$250 in initial costs and then notify me that there are additional records to be obtained and provide an estimate of the cost to obtain all additional records sought by this request and not captured in the initial \$250 limit.

**Records Claimed as Exempt.** Should EPA respond by invoking a FOIA exemption with respect to any of the records requested herein, please include in your response a privilege log (1) identifying the basic factual material about the withheld item, including author/originator, date created/revised, length, general subject matter, and location; and (2) explanation(s) and justification(s) for withholding of record, including identification of claimed exemption and a full explanation of applicability of claimed exemption to the requested record. Where only a portion of a record is exempt from disclosure, please redact the exempt portion and provide the remainder of the record.

**Records Delivery.** Please produce the records requested herein on a rolling basis as they become available to:

Justin Curtis  
AquaLaw PLC  
6 South 5th Street  
Richmond, Virginia 23219

If electronic delivery is more convenient, the requested records may be sent by email to [Justin@AquaLaw.com](mailto:Justin@AquaLaw.com) or delivered on compact disk or other common storage media.

If you have questions or require additional information concerning this request, please do not hesitate to contact me by phone (804.716.9021 x206) or email (Justin@AquaLaw.com). I appreciate your assistance in this matter.

Sincerely,



Justin W. Curtis